IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2686 of 1998

Between:

1. G. Sambasiva Rao, S/o G.V. Subba Rao,
   Aged about 49 years, Occupation: Staff Assistant,
   Krishna District Cooperative Central Bank Ltd.,
   Chintalapadu Branch, Krishna District.
2. R. Aruna, W/o T. Gurunadham,
   Aged about 46 years, Occupation: Staff Assistant,
   Krishna District Cooperative Central Bank Ltd.,
   Nandigama Branch (Extension Counter),
   Krishna District.
3. M.V.R.S. Prasad, S/o Ramachandra Rao,
   Aged about 50 years, Occupation: Staff Assistant,
   Krishna District Cooperative Central Bank Ltd.,
   Gudivada Main Branch, Krishna District.

..... PETITIONERS

AND

Krishna District Cooperative Central Bank Ltd.,
Machilipatnam, rep. by its Chief Executive –

cum – General Manager, Machilipatnam,

Krishna District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, a Writ in the nature of Writ of Certiorari to call for the records relating to the impugned proceedings issued by the respondent herein in his office Ref.Est.F.5/95-96,
dated 10-02-1997 and the petitioners pray that the same may be quashed.

For the Petitioner: Mr.M.Vidyasagar, Advocate.

For the Respondent: Mr.B.Adinarayana Rao, Standing Counsel.

WRIT PETITION NO : 9273 of 1998

Between:

Kakani Lakshmi Kanthamma, W/o Appa Rao,
Krishna District Coop. Central Bank Ltd.,

Jaggaiahpet Branch, Krishna Dist.

..... PETITIONER

AND

Krishna District Coop. Central Bank Ltd.,

Rep. by its Chief Executive – Cum - General Manager,
Machilipatnam, Krishna Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, a writ in the nature of writ of Certiorari to call for the records relating to the impugned proceedings issued by the respondents herein in his office Ref.Est. F.5/95-96 dt:10.2.1997 and the petitioner prays that the same may be quashed.

For the Petitioner: Mr.M.Vidyasagar, Advocate.

For the Respondent: Mr.B.Adinarayana Rao, Standing Counsel.

The Court made the following:

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COMMON ORDER:

Since both the writ petitions are filed challenging the proceedings of the respondent in Ref.Est.F.5/95-96, dated
10-02-1997, they are disposed of by this common order.

The petitioners in W.P No. 2686 of 1998 have been earlier working in the erstwhile Primary Agricultural Development Banks (hereinafter referred to as “PADBs”) of the

respective areas. The petitioner in W.P No. 9273 of 1998 originally joined the service in the PADB (Land Mortgage Bank) at Jaggaiahpet. It is stated that the Agricultural Development Bank in Krishna District; the Krishna District Cooperative Central Bank, Machilipatnam and the Vijayawada Cooperative Central Bank, Vijayawada have been merged by virtue of G.O. Ms. No. 212 dated 7-5-1994. After the merger, some of the employees filed W.P No. 17927 of 1993 stating that the respondents have denied their rights to promotion to the higher categories illegally. This Court disposed of the said writ petition directing the respondent – Bank to fill up the existing vacancies in the categories II and III as per the rules and regulations after duly considering the eligibility criteria. Due to merger, lot of anomalies and discrepancies crept in and rights of several persons were also affected. As a result, the Government amended Rule 73 of the Andhra Pradesh Co-operative Societies Rules (for short 'the Rules'). According to the petitioners, seniority list dated 13-06-1994 was prepared based on the judgment of this Court and also having regard to the amendment to Rule 73 of the Rules. According to the said seniority list, the petitioners in W.P No.2686 of 1998 were shown at serial Nos. 93, 104 and 26 respectively and the petitioner in W.P No. 9273 of 1998 was shown at serial No. 35. Thus, the seniority list prepared on 13-06-1994 was holding the field and in operation up to 10-02-1997 when for the first time, the respondent had issued the impugned proceedings. It is further stated that based on the circulars of the Registrar of Cooperative Societies in Circular No. 57474/94/K6 dated 19-12-1994 and Circular No. 57474/94/K6 dated 30-01-1995 the impugned proceedings are issued and as per the circulars, the petitioners have been given ranks far below their original ranks. It is the case of the petitioners that they accrued certain rights under the seniority list prepared on 13-06-1994 and the same cannot be taken away by issuing the impugned proceedings altering the seniority list decided in their favour on 13-06-1994.

A detailed counter affidavit has been filed denying the allegations made in the writ petition. It is asserted that the seniority list dated 13-06-1994 was only a tentative list and after calling for objections, the same was finalized on 10-02-1992 and communicated to all the concerned.

The service particulars of the petitioners in W.P No. 2696 of 1998 in the post of

Typists are given as under:

Sl. No. Name of the Date of joining Date of joining

Petitioner as typist as Supervisor

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01. Sri G. Sambasiva Rao 04.2.71 06.06.84

02. Smt. R. Aruna 18.1.72 06.12.86

03. Sri M.V.R.S. Prasad 04.1.68 17.8.73

It is however stated that while finalizing the seniority list of the Supervisors as on 31-10-1991, the objections of the employees concerned and the guidelines of the Commissioner for Cooperation and Registrar of Cooperative Societies were taken into consideration and the list was finalized by taking into account the dates of petitioners' joining as Supervisors and the same was communicated to the concerned vide Memo dated 10-02-1997. The impugned proceeding is the final list of the inter seniority of the Supervisors of the erstwhile PADBS as on 31-10-1991. It is also stated that the impugned proceeding dated 10-02-1997 supercedes the earlier seniority list communicated vide Memo dated 13-06-1994. As per Rule 73 (ii) of the Rules, all the officers and employees of the erstwhile PADBs working as on 01-04-1987 were absorbed in the equated cadre posts in the District Cooperative Central Bank (hereinafter referred to as 'DCCB') where they were working as on 01-04-1987. According to the above rule position, the petitioners working as Supervisors were absorbed as Supervisors in the respondent – Bank as per the equation of cadres furnished in Rule 73(i) of the Rules. It is further stated in the counter that the petitioners have not explained as to how they were denied the benefit arising out of the amended Rule 73. The petitioners having been appointed as Typists in the erstwhile PADBs, their cadre is equated to the cadre of Typist in the DCCBs as per Rule 73 (i) as the cadre of Typists and Supervisors belong to one cadre i.e. cadre – V in DCCBs. It is also stated that while preparing the provisional inter seniority list of Supervisors their dates of joining as Typists were wrongly taken instead of their joining as Supervisors. It is the case of the petitioners that their entry into service as Typist must be taken into consideration for the purpose of preparation

of seniority list since according to them the posts of Typist, Supervisor and Clerk were equated to one cadre.

Rule 73 (iii) (a) contemplates filling up of operational vacancies existing as on 01-04-1987 which arose between
01-04-1987 to 31-10-1991 in the erstwhile PADBs and in the DCCBs by notionally promoting the employees in the respective L.T and S.T streams i.e. employees of erstwhile PADBs and DCCBs. The rules clarified that the operational vacancies shall be reckoned in terms of the posts in the DCCBs and erstwhile PADBs, which were once filled up by the institutions but later became vacant. Accordingly, the operational vacancies as on 31-10-1991 were filled up by notionally promoting the employees in the respective streams and thereafter inter seniority list of the Supervisors including the petitioners was prepared and finalized as on
31-10-1991 and communicated through the impugned proceedings. Therefore, the petitioners have no case whatsoever and the writ petition is liable to be dismissed.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and gone through the material available on record.

The only grievance of the petitioners is that after the amendment to Rule 73(1), the posts of Supervisor, Clerk and Typist in PADBs and DCCBs have been equated as one cadre and therefore, while preparing the inter seniority list, the service rendered by them in the cadre of Typists i.e. initial appointment must be taken into consideration for the purpose of seniority even in the cadre of Supervisors since the posts of Supervisor, Clerk and Typist have been equated into one cadre. Amended Rule 73 (i) (5) reads as under:

> “73(I) Equation of Cadres:-- The Employees in the erstwhile Primary Agricultural Development Banks shall be equated with the cadres in the Co-operative Central Bank as hereunder and after integration they shall be known by such designations as specified below namely :--

Cadres in the erstwhile Equated cadre in District

Primary Agricultural Co-operative Central Banks

Development Banks

1……

5. Assistant Accountant,

Supervisor, Typist. The Supervisor, Clerk, Typist.

post of erstwhile clerks

which are existing prior

to 08-09-1970.

A bare reading of the above rule itself shows that the respective posts of Supervisors, Assistant Accountants, Typists were equated in the DCCBs as Supervisor, Clerk and Typist. Various circulars relied upon by the respondent would clearly show that those circulars were issued only to regularize the notional promotions, if any, in respect of the personnel working in the respective banks before the amalgamation of the banks. Therefore, the contention of the petitioners that persons like the petitioners working in the PADBs could not get their due promotion and that a person who was appointed initially as Typist in the PADBs though he was promoted as Supervisor even before the amalgamation, in view of amended Rule 73 and equation of the cadres, the seniority of such person should be counted from the date of his initial appointment as Typist while preparing the integrated seniority list of the personnel of DCCBs and PADBs cannot be countenanced.

The grievance of the petitioners is imaginary and speculative in its nature. The impugned order passed by the respondents preparing the integrated seniority list does not suffer from any illegality calling for the interference of this Court under

Article 226 of the Constitution of India.

For the aforesaid reasons, the writ petitions are devoid of merits and are liable to be dismissed. Accordingly, the Writ Petitions are dismissed. No order as to costs.

(C.V. Ramulu, J)

13-06-2005

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To

1. The Chief Executive – Cum – General Manager,

Krishna District Cooperative Central Bank Ltd.,

Machilipatnam, Krishna District.

2. Two CD copies.